IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14083 of 2004

Between:

M/s Niki Hi Care Products, Door No. 5-46, Polamuru village, Penumantra Mandal, West Godavari District, Rep. by its Partner K. Gopalakrishna Raju S/o Sri K. Golla Raju, aged 40 years, R/o Palamuru, West Godavari District.

..... PETITIONER

AND

1. Eastern Power Distribution Company of A.P. Limited, rep. by its Superintending Engineer (Operations), Circle Eluru, Eluru, West Godavari District.
2. The Divisional Engineer (Operations), Eastern Power Distribution Company of A.P. Limited, Bhimavaram, West Godavari District.
3. The Assistant Divisional Engineer (Operations), Eastern Power Distribution Company of A.P. Limited, Palakol, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in installing the H.T. Tri Vector Meter in respect of service connection NO. 7113 000844 of the petitioner firm is illegal and arbitrary and consequently direct the respondents to continue to collect the power charges as per L.T. meter readings

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents : Sri.M.Subba Rao, (S.C. for APSEB).

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the alleged action of the respondents in installing the H.T. Tri Vector Meter in respect of service connection No.7113 000844 of the petitioner firm as arbitrary and illegal.

In the affidavit filed in support of the writ petition it is stated that the petitioner is a Small Scale Industry, registered with the Industries Department and that it made an application to the respondents for providing three phase 415 watts power supply and accordingly an agreement dated 22.12.1999 was entered into with the respondents for a contract demand of 73.252 HP power supply. It is also stated that in pursuance of the said agreement, the petitioner is being supplied with the power with effect from 22.12.1999, and it has also installed M.V. Electrical Equipment as approved by the Deputy Electrical Inspector of Electrical Inspectorate, Government of A.P., Eluru, vide letter dated 14.03.2001. According to the petitioner, the capacity of the equipment is 71 HP power plus 1.68 KW and the petitioner firm is being billed under L.T. Category-III(A). While so, the third respondent has orally informed the petitioner that the HT Try vector meters will be installed before the distributory transformer and consequently the billing would be made as per the recording of the H.T. Try Vector Meter. The said action of the respondents is assailed in this writ petition contending that since the connected load of the petitioner unit is less than 75 HP, the respondents are not justified in proposing to install H.T. Try Vector Meter and thereby convert the LT Category service connection of the petitioner into HT service.

In the Counter-affidavit filed on behalf of the respondents, the fact that the service connection to the petitioner firm was sanctioned on 22.12.1999 with a contract load of 73.252 HP power is not disputed. It is also not in dispute that the Deputy Electrical Inspector of Electrical Inspectorate, Government of Andhra Pradesh, Eluru Sub-division, Eluru, vide letter dated 14.03.2001, has approved the installation of the M.V. electrical equipment and the service is under Category III(A) with connected load of 71 HP + 1.68 K.W. However, the respondents state that as

per the Tariff Order for the year 2001-2002 onwards all the service connections with the contracted load of more than 50 HP are to be provided with H.T. Tri vector Meter under L.T. billing of Category III(A). Accordingly, there was a proposal to erect H.T. T.V.R. Meter before the transformer of the petitioner firm without collecting any amount towards estimation charges from the consumer. Moreover, as per Condition 1 2 of Provisional retail supply licence granted by the Government of Andhra Pradesh in G.O.Ms.No.11, Energy (power III), dated 30.01.1999, the corporation, at its discretion, may provide metering on H.T., side of Distribution Transformer installed exclusively for feeding a single L.T. service. In such cases, the energy recorded on H.T. side of the Transformer shall be deducted by 3 per cent for the purpose of billing applicable under L.T.Tariffs.

In the light of the stand taken in the counter-affidavit filed by the respondents, it is clear that the action of the respondents in proposing to install the H.T. Try Vector Meter in respect of the service connection of the petitioner firm is in terms of condition No.12 of Provisional Retail Supply Licence which empowers the respondent Corporation to install such a Meter even in respect of L.T. service connections. Nothing has been placed before this Court to show that the said decision taken by the respondents is in violation of any statutory provision nor prompted by extraneous considerations. There is no allegation of mala fides against any one of the officers of the respondent Corporation.

In the circumstances, I do not find any justifiable ground to hold that the impugned action of the respondents is either arbitrary or irregular and therefore the relief as prayed for cannot be granted. However, it is made clear that the respondents shall grant the necessary deductions while billing the petitioner Unit as per the recording of H.T. Try Vector Meter since admittedly, the petitioner service conection falls under L.T. Category-III(A).

With the above observation, the Writ Petition is dismissed. No costs.

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02-11-2004

Note : Issue C.C. in three days.

(B/O)

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To

1. The Superintending Engineer (Operations),Eastern Power Distribution Company of A.P. Limited, Circle Eluru, Eluru, West Godavari District.

2. The Divisional Engineer (Operations), Eastern Power Distribution Company of A.P. Limited, Bhimavaram, West Godavari District.
3. The Assistant Divisional Engineer (Operations), Eastern Power Distribution Company of A.P. Limited, Palakol, West Godavari District.

4. Two C.D copies.